

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 215 - SB 946

February 23, 2009

SUMMARY OF BILL: Authorizes the sentencing judge to order a defendant in revoked probation cases to serve the remainder of the sentence on community corrections as an alternative to incarceration.

ESTIMATED FISCAL IMPACT:

State Expenditures – Net Impact – Not Significant

Decrease Local Expenditures – Not Significant

Assumptions:

- According to the Board of Probation and Parole (BOPP), in FY06-07, judges re-sentenced 325 probation violators to community corrections. In *State v. Stansberry*, 2008 Tenn. Crim. App. LEXIS 390 (2008), the Court of Criminal Appeals held that judges do not have the authority to do so. This bill reverses the ruling in *Stansberry*. Giving the judges this additional sentencing option will not have a fiscal impact on the court system.
- There would be an increase in operational costs for the community corrections programs and a reduction in operating costs if fewer probationers are incarcerated. However, the net impact is estimated to be not significant.
- There would be a slight reduction in operating costs for local governments if fewer probationers are incarcerated in jails. This decrease is estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in cursive script, reading "James W. White".

James W. White, Executive Director

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